

PUBLIC NOTICE

**US Army Corps
of Engineers®**

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: 200400180-GS

Comment Period: 12/17/2003 through 01/17/2004

Project Manager: Gerardo Salas (213) 452-3417 gerardo.salas@usace.army.mil

Applicant

Victorville Redevelopment Agency
14343 Civic Drive
Victorville, California 92392

Contact

Tom Dodson & Associates
2150 North Arrowhead Avenue
San Bernardino, CA 92405

Location

In an unnamed tributary to the Mojave River, approximately 200 feet east of Hesperia Road between Nasqualli Road and Ottawa Street, adjacent to the railroad track, in Victorville, San Bernardino County, California (at: lat:34-29-26.9880 lon:117-17-0.9960)

Activity

The Victorville Redevelopment Agency proposes to discharge fill material into 3.7 acres of waters of the United States for the construction of the City of Victorville Redevelopment Authority's proposed Foxborough Industrial Site (see attached drawings). The purpose of the proposed project is to construct a rail served manufacturing/commercial development within the Bear Valley Road area. The proposed project involves grading the entire 77-acre site for 650,000 square feet of buildings plus associated parking. For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Branch
ATTN: CESPL-CO-R-200400180-GS
P.O. Box 532711
Los Angeles, California 90053-2325

Alternatively, comments can be sent electronically to: gerardo.salas@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant has obtained water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

Coastal Zone Management- This project is located outside of the coastal zone and will not affect coastal zone resources.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- Protocol surveys found no recent or historical sign of the Federal and State listed as threatened desert tortoise (*Gopherus agassizii*) or the State and Federal species of special concern burrowing owl (*Athene cunicularia*) on the site. Preliminary determinations indicate that the proposed activity would not affect federally listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

To grade the entire 77-acre site for 650,000 square feet of buildings plus associated parking, discharging fill material into 3.7 acres of waters of the United States, for the construction of the City of Victorville Redevelopment Authority's proposed Foxborough Industrial Site.

Additional Project Information

The following information has been provided to present additional information on the predicted impacts, mitigation, and proposed special conditions.

Site Description: The project area contains two unnamed tributaries to the Mojave River. One drainage encompasses 3.1 acres and is located along the eastern border along the railroad alignment. The other channel is 0.6 acres and traverses the center of the site. Both channels are dry ephemeral washes with no riparian vegetation.

Mitigation: The proposed project will relocate the 0.6 acre centrally located drainage along the northwest edge of the property as 0.5-acre soft bottom drainage. Although the existing channel is not vegetated, further mitigation shall be in the form of revegetation with desert willows and removal of exotic species in the surrounding areas. The remaining impacts will be mitigated at a 1:1 ratio by purchasing into an in-lieu fee program.

Proposed Special Conditions

None at this time.

For additional information please call Gerardo Salas of my staff at (213) 452-3417. This public notice is issued by the Chief, Regulatory Branch.

FIGURE 1
Regional Map

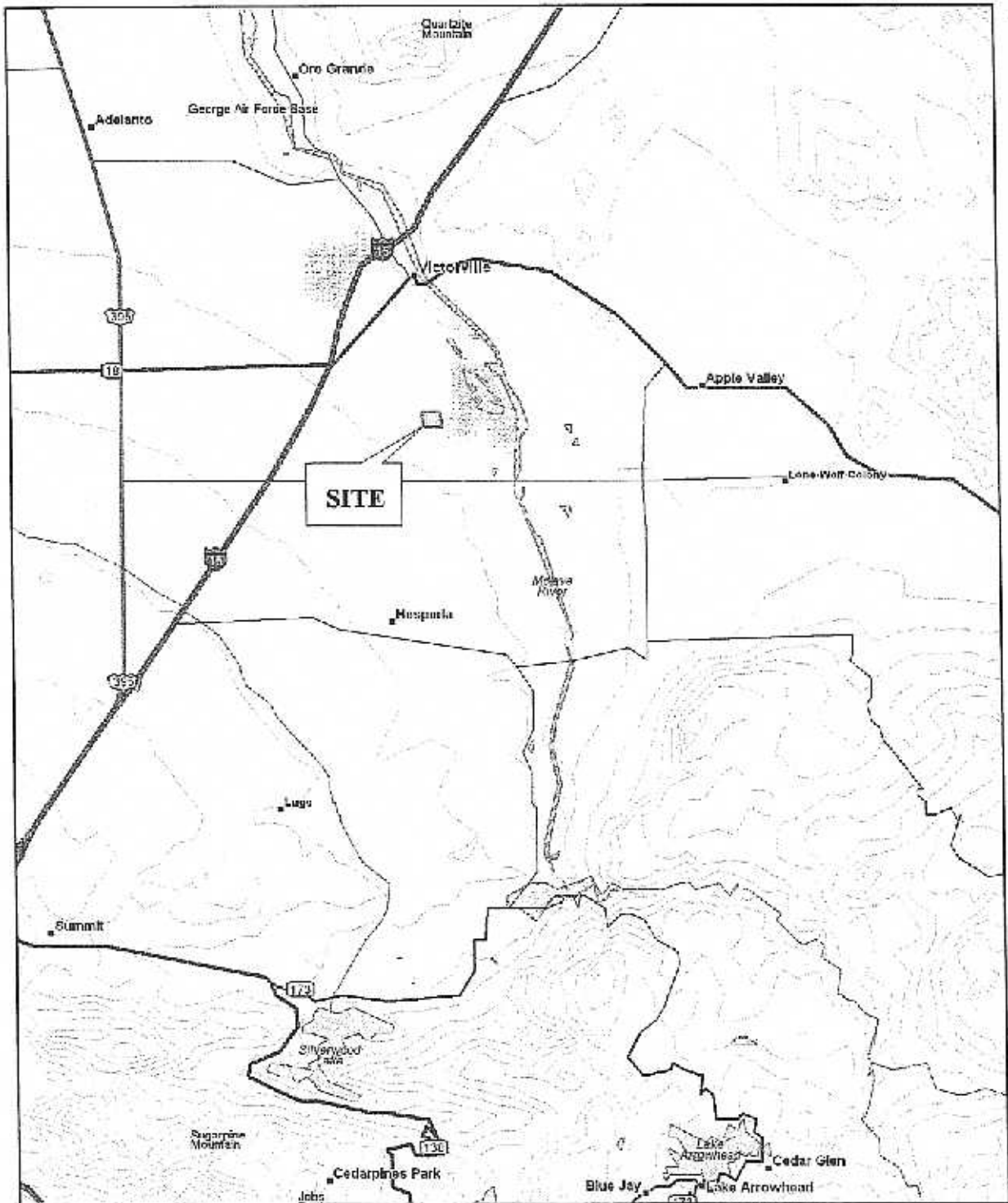
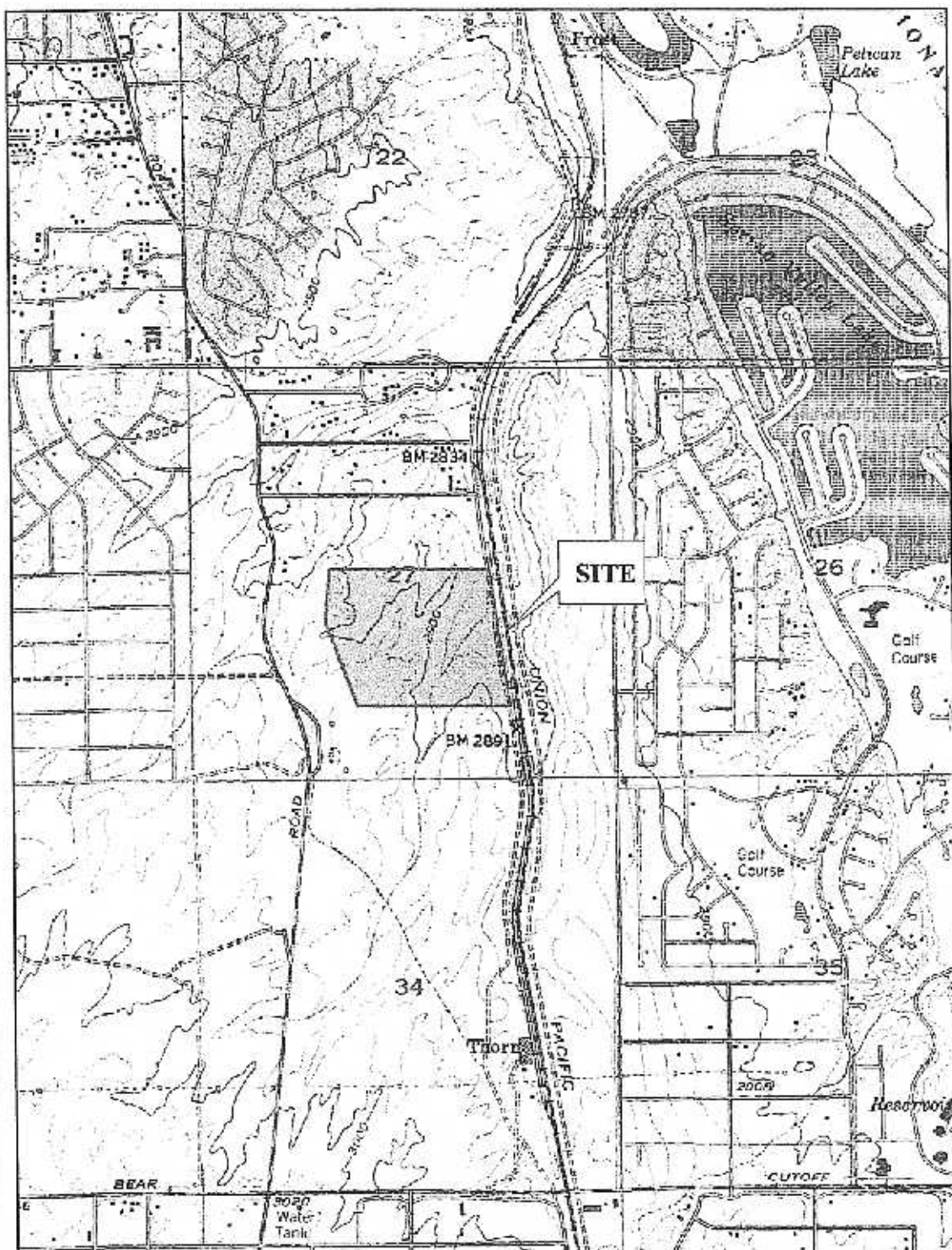
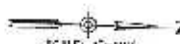


FIGURE 2
Vicinity Map





NUMBER 10021, 74 1980
PAM 102, PAM 103-104

PERLIMINARY CHARGING PLAN	FILE NO.
TENTATIVE PM 16201	FILE NO.
APN 3090-571-02 and	FILE NO.
3090-431-05	FILE NO.
CITY OF VICTORVILLE	FILE NO.
DATE	FILE NO.